

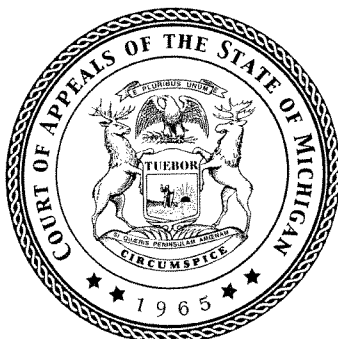
IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Rick Warren Yoder**
Docket No. **280141**
L.C. No. **01-012435-FH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The delayed application for leave to appeal filed August 21, 2007, is DISMISSED for lack of jurisdiction because it was not filed within 12 months of the December 23, 2003 judgment of sentence as required by MCR 7.205(F)(3) and appellate counsel was not requested within 12 months of December 23, 2003, as required by MCR 7.205(F)(4). *Halbert v Michigan*, 125 S Ct 2582 (2005) does not apply to this case as it only involves situations where a timely request for appellate counsel was denied or the trial court informed defendant at sentencing that counsel would not be appointed even if requested. The register of actions does not show that counsel was timely requested and denied and defendant has not supplied any documentation that at the 2003 sentencing he was told that even if requested appellate counsel would not be appointed (at the 2001 sentencing defendant was told he could request counsel). As such, *Halbert v Michigan*, 125 S Ct 2582 (2005) does not apply.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT 15 2007
Date

Sandra Schultz Mengel
Chief Clerk